

Senate File 335 - Introduced

SENATE FILE 335
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1165)

A BILL FOR

1 An Act relating to the release of certain information to a
2 procurement organization.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 41, Code 2015, is
2 amended to read as follows:

3 41. a. Medical examiner records and reports, including
4 preliminary reports, investigative reports, and autopsy
5 reports. ~~However, medical examiner~~

6 b. Notwithstanding paragraph "a", the following shall be
7 released as follows:

8 (1) Medical examiner-authored records and reports,
9 including autopsy reports, shall be released to a law
10 enforcement agency that is investigating the death, upon the
11 request of the law enforcement agency.

12 (2) Preliminary reports of investigations by the medical
13 examiner and autopsy reports for a decedent by whom an
14 anatomical gift was made or for whom an anatomical gift may be
15 made in accordance with chapter 142C shall be released to an
16 organ procurement organization as defined in section 142C.2,
17 upon the request of such organ procurement organization.

18 (3) Autopsy reports shall be released to the decedent's
19 immediate next of kin upon the request of the decedent's
20 immediate next of kin unless disclosure to the decedent's
21 immediate next of kin would jeopardize an investigation or pose
22 a clear and present danger to the public safety or the safety
23 of an individual.

24 c. Information regarding the cause and manner of death
25 shall not be kept confidential under this subsection unless
26 disclosure would jeopardize an investigation or pose a clear
27 and present danger to the public safety or the safety of an
28 individual.

29 Sec. 2. Section 142C.7, Code 2015, is amended to read as
30 follows:

31 **142C.7 Confidential information.**

32 A hospital, licensed or certified health care professional
33 pursuant to chapter 148, 148C, or 152, or medical examiner ~~may~~
34 shall release patient information to a procurement organization
35 as part of a referral or retrospective review of the patient

1 as a potential donor. Any information regarding a patient,
2 including the patient's identity, however, constitutes
3 confidential medical information and under any other
4 circumstances is prohibited from disclosure without the written
5 consent of the patient or the patient's legal representative.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill relates to the release of information to
10 a procurement organization. Under current law, "organ
11 procurement organization" means a person designated by
12 the United States secretary of health and human services
13 as an organ procurement organization; and a "procurement
14 organization" means an eye bank, organ procurement
15 organization, or tissue bank.

16 The bill provides that preliminary reports of investigation
17 by the medical examiner and autopsy reports for a decedent by
18 whom an anatomical gift was made or for whom an anatomical
19 gift may be made shall be released to an organ procurement
20 organization, upon the request of such organ procurement
21 organization. Additionally, the bill requires, rather
22 than authorizes, a hospital, licensed or certified health
23 care professional, or medical examiner to release patient
24 information to a procurement organization as part of a referral
25 or retrospective review of the patient as a potential donor.